

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Jayne E. Fleming (SBN 209026)
Email: jffleming@reedsmith.com
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269
Attorneys for Plaintiffs
** Additional Attorneys for Plaintiffs on Following Page*

MELINDA HAAG (SBN 132612)
United States Attorney
ABRAHAM A. SIMMONS (SBN 14600)
Email: Abraham.Simmons@usdoj.gov
Assistant United States Attorney
450 Golden Gate Avenue, 9th Floor
San Francisco, California 94102-3495
Telephone: (415) 436-7264
Facsimile: (415) 436-6748
Attorneys for Defendant UNITED STATES OF
AMERICA
** Additional Attorneys for Defendant United States of
America, et al. on Following Page*

THERESA A. GOLDNER, COUNTY COUNSEL
COUNTY OF KERN, STATE OF CALIFORNIA
By Marshall Scott Fontes Deputy (SBN 139567)
Email: mfontes@co.kern.ca.us
Administrative Center
1115 Truxtun Avenue, Fourth Floor
Bakersfield, California 93301
Telephone: (661) 868-3800
Attorneys for Defendants COUNTY OF KERN, et al.
** Additional Attorneys for Defendant County of Kern,
et al. on Following Page*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DORA BAIREs, et al.,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA; et al.,

Defendants.

No.: C 09-05171 CRB

STIPULATION AND ORDER

Honorable Charles R. Breyer

ADDITIONAL COUNSEL FOR PLAINTIFFS

Steven M. Kohn (SBN 61758)
Email: skohn@reedsmith.com
Benjamin D. Spohn (SBN266746)
Email: bspohn@reedsmith.com
Daniel B. Ruby (SBN 281196)
Email: druby@reedsmith.com
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

ADDITIONAL COUNSEL FOR FEDERAL DEFENDANTS

Alex Tse (SBN 152348)
Chief, Civil Division
450 Golden Gate Avenue, 9th Floor
San Francisco, California 94102-3495

ADDITIONAL COUNSEL FOR DEFENDANTS COUNTY OF KERN, ET AL.

Robert K. Lawrence, SBN 83600
Email: Lawrence@bjorklaw.com
Elizabeth K. Ryan, SBN 117369
Email: eryan@bjorklaw.com
Robyn D. Roberts, SBN 136208
Email: rroberts@bjorklaw.com
BJORK LAWRENCE
1850 Mt. Diablo Boulevard, Suite 120
Walnut Creek, California 94596
Telephone: (925) 279-1150
Facsimile: (925) 279-1160

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Counsel for Plaintiffs, Defendant United States and defendant Brian Myrick have met and conferred regarding the need for a briefing schedule for a motion for summary judgment that will be filed by the Federal defendants seeking dismissal of Plaintiffs' claims under the FTCA. Because witnesses whose declarations will be submitted in support of the motion could not be made available before the closure of fact discovery, the parties have stipulated as follows:

1. The United States will file its motion for summary judgment on or before April 26, 2013. The parties stipulate and respectfully request that court permit the page limitations in the local rules to be adjusted such that United States shall have up to 40 pages for its opening brief and plaintiffs shall have up to 40 pages for their opposition. The United States will have up to 20 pages for its reply.

2. With the exception of Brian Myrick (if he submits a declaration in connection with the motion filed by the United States), the United States will produce for depositions during the week of May 20, 2012, the witnesses whose declarations or affidavits support its motion for summary judgment.

3. Plaintiffs will file their opposition to the motion for summary judgment no later than June 3, 2013.

4. The settlement conference scheduled for June 5, 2013 with Magistrate Judge La Porte will be continued to a date convenient for all counsel and to the Court. The parties request that the conference take place during the week of June 17, 2013 or as soon thereafter as is practicable for Magistrate Judge Laporte.

5. The due date for the reply brief of the United States will be after the settlement conference.

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6. Defendant Myrick may file his motion for summary judgment, if any, in accordance with the previously-established deadlines set by the court or earlier, if he chooses to do so.

IT IS SO STIPULATED.

DATED: April 12, 2013.

REED SMITH LLP

By /s/ Steven M. Kohn
Steven M. Kohn
Attorneys for Dora Baires, individually, and on
behalf of the estate of Juan Carlos Baires; and
Teofilo Miranda

DATED: April 12, 2013.

MELINDA HAAG, United States Attorney

By /s/ Abraham A. Simmons
Abraham A. Simmons, Assistant U.S. Attorney
Attorneys for Federal Defendants

DATED: April 12, 2013.

THERESA A. GOLDNER, County Counsel

By /s/ Marshall Scott Fontes
Marshall Scott Fontes, Deputy
(as authorized on February 21, 2013)
Attorneys for Defendant County of Kern, et al.

DATED: April 12, 2013.

BJORK LAWRENCE

By /s/ Robert Lawrence
Robert Lawrence
Attorneys for Defendant County of Kern, et al.

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IT IS SO ORDERED.

DATED: April 17, 2013.

